

IRRIGATION BRANCH

The 28th October, 1978

No. 1143/1-L.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expenses, namely, for excavation Lohina Link Drain from R.D. 137.00 to 9000 outfalling into G.M.D. at R.D. 64600/R in villages Banchari and Lohina in tehsil Palwal, district Gurgaon, for which a notification has been issued under section (4) of section 17 read with clause (c) of sub-section (17) of the said Act, and published,—*vide* Haryana Government notification No. 1142/1-L, dated 25th October, 1978, in *Haryana Government Gazette, Part I*, it is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

The plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Irrigation Branch, Ambala City and the Executive Engineer, Gaunchi Division, Gurgaon Canal, Faridbad.

SPECIFICATION

District	Tehsil	Village	Area in acres	Direction	
				A strip of land 8,863 feet in length and 33.0 in width lying generally in the direction of north-west to south demarcated at site falling in the field numbers :—	
				Rectangle number	Khasra Nos.
Gurgaon	Palwal	Banchari	4.94	163	3/1, 3/2, 4/1, 4/2, 5, 6/1, 6/2, 7 & 15
				162	10, 11/1, 11/2, 12, 18/1/2, 19/1, 19/2, 20, 22, 23/1, 23/2 & 24
				148	10, 11/1, 11/2, 12, 18, 19/1, 19/2, 19/3, 20, 22/2, 23/1, 23/2, 24/2
				147	3/2, 4/1, 4/2, 4/3, 5, 6/1, 6/2, 7 & 15/2
				143	3, 4/1, 4/2, 5, 6/1, 6/2, 7 & 15
				142	10, 11/1, 11/2, 12, 18, 19/1, 19/2, 20/1, 22, 23/1, 23/2 & 24
				123	10, 11/1, 11/2, 12, 18, 19/1, 19/2, 20, 22/3, 23/1, 23/2, 24
				122	3, 4/1, 4/2, 5/1, 5/2, 6/1, 6/2, 7, 15/1
				121	22/1, 22/2, 23, 24/1, 24/2
Gurgaon	Palwal	Lohina	1.75	42	19/1, 20, 21, 22/1, 22/2
				41	1, 2, 8/1, 8/2, 10/1, 9, 10/2, 12, 13, 14, 15, 16/1, 16/2, 17, 18/1, 25

District	Tehsil	Village	Area in acres	Direction
			Rectangle number	Khasra No.
Gugaon— concl'd	Palwal—concl'd	Lohina—concl'd	40	4. 5/1, 5/2, 6/1, 6/2
			30	18, 23, 24, 25
Total ...			6.69	

(Sd.) . . .

Superintending Engineer,
WJC Feeder/G. C. Circle,
3-Alipur Road, Delhi-54.

LABOUR DEPARTMENT

The 17th November, 1978

No. 11 (112)-3 Lab-78/9895.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s The Haryana Co-operative Sugar Mills Ltd., Rohtak :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, LABOUR
COURT, HARYANA, ROHTAK

Reference No. 12 of 1978

between

SHRI PAWAN KUMAR, WORKMAN. AND THE MANAGEMENT OF M/S THE
HARYANA CO-OPERATIVE SUGAR MILLS LTD., ROHTAK

Present :

Shri S. N. Vats, for the workman.

Shri R. D. Sharma, for the management.

AWARD

By order No. 1D/1121, dated 11th January, 1978, the Governor of Haryana referred the following dispute between the management of M/s. The Haryana Co-operative Sugar Mills Ltd., Rohtak and its workman Shri Pawan Kumar to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Pawan Kumar, was justified and in order?
If not, to what relief is he entitled?

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties the following issues were framed by my learned predecessor on 3rd April, 1978 :—

1. Whether the reference is bad in law for the reasons mentioned in the preliminary objections?
2. Whether the termination of services of Shri Pawan Kumar was justified and in order? if not, to what relief is he entitled?

The case was fixed for the evidence of the management. The management examined Shri Attar Singh as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. I have heard arguments for both the parties. I have also gone through the statement of the witnesses and the documents on the file.

Issue No. 1.

The representative for the management argued that the driver was attached to the Managing Director, therefore, his services were personal in nature and therefore, he is not a workman.

This argument of the representative for the management could not convince me. I failed to understand why a driver attached to the Managing Director, i.e., who drive the car generally used by the Managing Director is not a workman. I, therefore decide issue No. 1 against the management.

Issue No. 2.

Issue No. 1 is as per reference. The representative for the management argued that the workman was appointed for a probation as a probationer for a period of one year or more. He drew my attention to Ex. M-3 a letter of appointment which reads that the workman will be on probation for one year or more depending upon the decision by the Board and this order shall apply from the date he was kept on trial. Therefore the representative for the management argued that after a lapse of one year the management was within the right to terminate the services of the workman. The representative for the workman argued that the management has not produce a copy of that Certified Standing Orders inspite of a direction from this Court and that he produce a copy of relevant portion of the Certified Standing Orders of the management sub-clause (4) of clause 1 provides that the probationary period shall not exceed six months, therefore he argued that the letter of appointment was against the Standing Orders and the Standing Orders should prevail and he cited 1978 L. I. C. page 57 (Note No. 94). He further argued that this order of appointment had to apply from the date the workman was kept on trial but the date of commencement of trial is not in evidence. The order of appointment is dated 20th July, 1976 and the order of termination is take effect from 29th July, 1977.

But as far as termination of services of a probationary is concerned, it can be done only expiry of the period of probation if the work of the probationer is not found satisfactory, otherwise not. A probationer services cannot be terminated simplicitor without any caeem default or misconduct on the part of the workman. The management has not pleaded unsatisfactory work by the probationer, nor any such thing is in evidence that the work of the workman was not satisfactory. There are various rulings on this point in support of my view. I, therefore decide issue No. 2 against the management. While answering the reference I give my award that the termination of services of the workman concerned Shri Pawan Kumar was neither justified nor in order. He is entitled to reinstatement with continuity of service and with full back wages and I set aside the termination order of the management.

Dated the 19th October, 1978.

NATHU RAM SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2837, dated the 2nd November, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 11(112)-3 Lab-78/9958.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Modi Textile Mills Ltd., Rai-Sonepat.